

Cross-Party Group on Cycling, Walking & Buses

Correspondence with Cabinet Secretary Michael Matheson MSP re Traffic Regulation Orders and Spaces for People

The CPG has twice written to the Cabinet Secretary, receiving replies on 26.11.20 and 17.2.21.

The correspondence was prompted, firstly, by the delay of literally two years in the Scottish Government dealing with unwithdrawn objections to Redetermination and Traffic Orders for Edinburgh's CCWEL city-centre cycle route; and, secondly, by fears that legal impediments would make it very arduous for local authorities to make successful SfP schemes permanent.

We have also seen letters on the SfP issue sent by Transport Scotland to Daniel Johnson MSP and Alec Cole-Hamilton MSP as a result of emails to those MSPs by constituents.

Outcomes of the correspondence...

- ◆ Internal processes have been changed, so that whether a lengthy review of unwithdrawn objections is or is not held will depend on the substance of objections, not on the number of objections. This is good.
- ◆ A review is underway of all aspects of TROs, ETROs, TTROs, RSOs, to try and simplify procedures for Councils whilst still allowing full public consultation/objections. The review “is at the forefront” of Mr Matheson's mind, but will probably require secondary legislation (i.e. many months or longer). Suggestions in our letters will be considered in the review.
- ◆ As regards making successful SfP schemes permanent, Councils must work under existing Traffic Regulation legislation until or unless the above is completed, which will often mean following a TTRO by an ETRO and then a full TRO. In Edinburgh's case, for example, this could be for many tens of schemes, with multiple consultations for each scheme.
- ◆ Guidance “to support LAs make (successful) schemes permanent” will be issued “shortly” [this is only in the above-mentioned Transport Scotland letters, not the Cab Sec's letter]. Presumably this guidance will not change the above legal position, so may not help much.
- ◆ No additional funding will be available to help councils make successful SfP schemes permanent, beyond the £100m active travel cash currently in the Scottish budget. This is disappointing, as replacing extensive temporary schemes with permanent designs and materials is a long and costly process.

Alison's office has dealt with the correspondence so far. Although it is now too late for further CPG correspondence, I am suggesting a follow-up by Alison's office on a couple of improvements which could still be possible within the above constraints and which would assist councils to make successful SfP schemes permanent – namely, to give councils greater clarity on how long covid-justified TTROs can remain in place, given the uncertainty about when covid will 'end'; and, within the TRO review, to prioritise giving councils the ability to extend an ETRO by a year if necessary.

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